

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
DUBLIN DIVISION

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.  
2008 AUG -7 A 9:02

CLERK *B. McCarthy*  
SO. DIST. CT. 87

ANGEL FERRERAS,

Petitioner,

v.

CV 308-053

WALT WELLS, Warden, CCA McRae  
Correctional Facility,

Respondent.

**ORDER**

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. Accordingly, the Report and Recommendation is **ADOPTED**, as modified herein,<sup>1</sup> as the opinion of the Court. Therefore, the above-captioned petition is **DENIED**, and this civil action is **CLOSED**.

SO ORDERED this 7th day of August, 2008, at Augusta, Georgia.

*[Signature]*  
UNITED STATES DISTRICT JUDGE

<sup>1</sup>The Magistrate Judge concluded that the above-captioned case should be dismissed without prejudice based on Petitioner's failure to exhaust administrative remedies. (Doc. no. 3, p. 6). However, the Magistrate Judge also explained that, even if the Court were to excuse the failure to exhaust administrative remedies, Petitioner's claim has already been rejected by the Eleventh Circuit. (*Id.* at 5-6 (citing *Brown v. McFadden*, 416 F.3d 1271, 1273 (11th Cir. 2005) (*per curiam*))). As the Magistrate Judge correctly determined, Petitioner is clearly not entitled to the relief that he seeks. (*Id.* at 6).